

REMARKS

Claims 1-8 were pending in the present application. Claim 2 has been canceled and new claims 9 and 10 are added herein. Thus claims 1, and 3-10 are now pending. The applicants respectfully request reconsideration and allowance of the present application in view of the above amendments and the following remarks.

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all certified copies of the priority documents have been received.

The applicants further acknowledge and appreciate receiving copies of the forms PTO-1449 submitted with the Information Disclosure Statements filed on March 19, 2004 and June 7, 2005 on which the Examiner has initialed all listed items.

Claims 1-4 stand rejected under 35 USC §103(a) as being allegedly unpatentable over applicants' allegedly admitted prior art in view of Lichtinger et al., U.S. Patent No. 6,502,048 (hereinafter "Lichtinger"). Claim 1 is amended herein to address the rejection.

In particular, claim 1 is amended herein to recite, *inter alia*, that the claimed aging-caused drift estimating circuit is configured to: 1) perform a sampling function of sampling an output of said load sensor in a given sampling cycle; 2) a seat unoccupancy determining function of determining whether the seat is unoccupied or not every sampling cycle; 3) an averaging function of averaging the outputs of said load sensor sampled by the sampling function when it is determined by the seat unoccupancy determining function that the seat is unoccupied to produce an average value; and 4) an aging-caused drift estimating function of estimating the aging-caused drift based on the average value. It should be noted that the claimed averaging function replaces one of the outputs of the load sensor, for example as sampled at a last sampling cycle, with a value sampled one sampling cycle earlier to produce the average value when it is determined that

the seat is occupied. In accordance with the above noted feature, the present invention, as defined by claim 1, as amended, minimizes an error in estimating the aging-caused drift arising from a variation in output of the sensor caused when determinations that the seat is unoccupied are made sequentially.

Accordingly, for at least the reasons set forth hereinabove, a *prima facie* case of obviousness cannot be sustained in that the applied art combination fails to teach or suggest all the features of claim 1, as amended, as required. It is respectfully requested that the rejection of independent claim 1 be reconsidered and withdrawn.

Claims 3-8, by virtue of depending from independent claim 1, are allowable for at least the reasons set forth hereinabove. It is respectfully requested therefore that the rejection of claims 3-8 be reconsidered and withdrawn.

Applicants note that claim 4 is independently allowable in that contrary to the Examiner's assertions, the applied art and Lichtinger fails to teach or suggest that threshold correcting circuit corrects the passenger identifying threshold value using a correction value which is provided by the aging-caused drift estimated by said aging-caused drift estimating circuit, and wherein the correction value is limited to within a range between an upper and a lower limit of the aging-caused drift. The range 78 is only described as a range for the average value 76. Lichtinger is silent as to how the range is determined and notes that the average value 76 is used to substitute for a previously stored calibration value 72 only if within the range. Such a description does not amount to a teaching of correcting a passenger identifying threshold value using a correction value provided by an estimated aging-caused drift and limiting the correction value to within a range between an upper and a lower limit of the drift as claimed. In contrast, Lichtinger simply notes that the range is arbitrarily kept small enough to avoid unwanted sensor outputs from being

used in the calibration process and teaches nothing of range 78 representing an upper and a lower limit of an aging-caused drift.

Accordingly, new independent claim 10, which incorporates the features of claim 1 as originally filed and claim 4, is distinguishable over the applied art and the prior art and is therefore believed allowable. New claim 9, by virtue of depending from claim 1 is allowable for at least the reasons set forth herein above. Favorable consideration of new claims 9 and 10 is respectfully requested.

Claim 5 stands rejected under 35 USC §103(a) as being allegedly unpatentable over applicants' allegedly admitted prior art in view of Lichtinger and further in view of Hattori et al., U.S. Patent No. 6,871,159. The rejection is respectfully traversed.

Claim 5, by virtue of depending from independent claim 1, is allowable for at least the reasons set forth hereinabove. It is respectfully requested therefore that the rejection of claim 5 be reconsidered and withdrawn.

Claims 6-8 stands rejected under 35 USC §103(a) as being allegedly unpatentable over applicants' allegedly admitted prior art in view of Lichtinger and further in view of Fortune et al., U.S. Patent No. 6,012,007. The rejection is respectfully traversed.

Claims 6-8, by virtue of depending from independent claim 1, are allowable for at least the reasons set forth hereinabove. It is respectfully requested therefore that the rejection of claims 6-8 be reconsidered and withdrawn.

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In view of the foregoing, the applicant respectfully submits that the present application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. L. Scott, II', written over a horizontal line.

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